

## CAUSES OF ACTION

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First Cause of Action: Excessive/Deadly Use of Force/Illegal Questioning And Arrest Under 42 U.S.C. § 1983

12. Plaintiff incorporates herein by reference the allegations set forth in the paragraph above.  
 13. The acts of the defendants in seizing, beating, strangling and intentionally striking Plaintiff set forth above constitute a violation of the rights of the plaintiff guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments of the United States Constitution and Articles I, Section 3, 7, 9 and 14 of the Alaska Constitution.  
 14. Defendants' actions caused plaintiff injuries for which he is entitled to recover under 42 U.S.C. § 1983 and 42 U.S.C. § 1988

Second Cause of Action: Inadequate Training, Supervision, Custom, Practices, Policies Under 42 U.S.C. § 1983

15. Plaintiff incorporates herein by reference the allegations set forth in the paragraph above.  
 16. Defendant, Municipality of Anchorage, was under a duty to insure that plaintiff would not be subject to unlawful actions by defendants Cottle and Witte.  
 17. Defendant, Municipality of Anchorage, failed to hire, train, and supervise defendants Cottle and Witte adequately in the performance of their duties.  
 18. Defendant, Municipality of Anchorage, has established a custom, practice or procedure that unlawfully allows police officers of the Anchorage Police Department to use excessive or deadly force unwarranted under the circumstances including the use of deadly strangulation holds. Furthermore, such illegal actions are more likely to be directed at native males.  
 19. The actions of the defendant Municipality of Anchorage caused plaintiff's damages in violation of his rights under the Fourth, Fifth, Sixth and Fourteenth Amendments of the United States Constitution and Article I, Section 3, 7, 9 and 14 of the Alaska Constitution for which plaintiff is entitled to recover damages under 42 U.S.C. § 1983 and 1988.

Third Cause of Action: Illegal Coercive Interrogation  
 20. Plaintiff incorporates herein by reference the allegations set forth in the paragraphs above.  
 21. The actions of the defendant Mdey in interrogating Plaintiff as set forth above constitute unlawful actions under the U.S. Constitution, Alaska Constitution, common law and related statutes. The Municipality of Anchorage is liable under the doctrine of respondent superior.

Fourth Cause of Action: Assault And Battery  
 22. Plaintiff incorporates herein by reference the allegations set forth in the above paragraphs.  
 23. The individual defendants intentionally engaged in offensive physical contact to plaintiff and caused plaintiff apprehension of harmful and offensive contact.  
 24. Defendants' actions caused harm to plaintiff. The Municipality of Anchorage is liable under the doctrine of respondent superior.

Fifth Cause of Action: Negligence  
 25. Plaintiff incorporates herein by reference the allegations set forth in the above paragraphs.  
 26. Defendants owed a duty of care to plaintiff, not to subject him to unreasonable risk or harm.  
 27. Defendants breached their duty of care toward plaintiff, proximately causing him harm. The failure of Municipality of Anchorage to exercise reasonable care in training and supervision of its agents and in formulation of practices, procedures, and customs constitutes direct negligence of the Municipality of Anchorage.

Sixth Cause of Action: Emotional Distress  
 28. Plaintiff incorporates herein by reference the allegations set forth in the above paragraphs.  
 29. Defendants owed a duty to plaintiff to avoid unreasonable conduct that would cause plaintiff foreseeable and severe emotional injury.

Seventh Cause of Action: Punitive Damages  
 30. Plaintiff incorporates herein by reference the allegations set forth in the above paragraphs.  
 31. The culpable conduct of the individual defendants were willful and wanton and accordingly punitive damages in an amount approximate amount calculated to chill and deter such future conduct and to sanction and condemn such past conduct should be awarded, with due regard for the nature of the culpable conduct and the willful and wanton disregard of plaintiff's right and human dignity.

Eighth Cause of Action: Respondent Superior  
 32. Plaintiff incorporates herein by reference the allegations set forth in the above paragraphs.  
 33. The actions of each of the individual defendants were taken on behalf of and under the direction and control of defendant, Municipality of Anchorage.  
 34. The Municipality of Anchorage is liable for the harm caused by the individual defendants under the doctrine of respondent superior.